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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/076,566	02/19/2002	Yumiko Seki	500.41209X00	1290

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MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.  
1800 DIAGONAL ROAD  
SUITE 370  
ALEXANDRIA, VA 22314

EXAMINER

ABEL JALIL, NEVEEN

ART UNIT

PAPER NUMBER

2165

DATE MAILED: 10/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/076,566	<b>Applicant(s)</b> SEKI ET AL.	
	<b>Examiner</b> Neveen Abel-Jalil	<b>Art Unit</b> 2165	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/28/05</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 28-July-2005 has been entered.
2. The amendment filed on 28-July-2005 has been received and entered. Claims 1-12 are now pending.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 3-4, and 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 3, line 2, the recitation of "predetermined format by user" is vague and unclear since it is further processed to state, "by checking"... to imply an automatic process. It is unclear to the Examiner whether the editing of the retrieval results is done manual or by the computer.

Claims 4 and 6 are dependent on dependent claim 3 and therefore carry the same deficiency.

*Claim Rejections - 35 USC § 102*

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Premarlani et al. (U.S. Patent No. 5,555,367).

As to claim 1, Premarlani et al. discloses a retrieval device in a system having computers and databases connected to one another, comprising:

a retrieval reservation registering unit, said retrieval reservation registering unit registering retrieval requests issued by users (See Premarlani et al. column 2, lines 37-46);

a duplicate integrating unit, said duplicate integrating unit combining duplicates requested in differing said retrieval requests in accordance with pre-stored rules to generate an integrated retrieval requests (See Premarlani et al. column 5, lines 3-23) to lessen a number of retrieval request (Intended use therefore not given patentable weight);

a retrieval device unit, said retrieval device unit retrieving information from the databases on the basis of contents of said integrated retrieval request integration said retrieval requests to obtain retrieval results (See Premarlani et al. column 5, lines 24-40); and

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an output creating unit, said output creating unit creating, on the basis of the retrieval requests issued by the users and said retrieval results, retrieval results data to be sent to said users when information is retrieved from said databases (See Premarlani et al. column 2, lines 58-67).

As to claim 7, Premarlani et al. discloses wherein said retrieval device unit acquires or sends retrieval results in accordance with said retrieval requests at predetermined intervals of time on the basis of predetermined information freshness (See Premarlani et al. column 2, lines 37-46, wherein “predetermined information freshness” reads on “interactively”).

### *Claim Rejections - 35 USC § 103*

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-6, and 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Premarlani et al. (U.S. Patent No. 5,555,367) in view of Himmel et al. (U.S. Patent No. 6,237,035 B1).

As to claim 2, Premarlani et al. does not teach wherein in said retrieval reservation registering unit, duplicates are checked and eliminated in said retrieval requests which exist at present and in the past so as to integrate retrieval conditions.

Premarlani et al. discloses the claimed invention except for wherein in said retrieval reservation registering unit, duplicates are checked and eliminated in said retrieval requests which exist at present and in the past so as to integrate retrieval conditions.

Himmel et al. teaches wherein in said retrieval reservation registering unit, duplicates are checked and eliminated in said retrieval requests which exist at present and in the past so as to integrate retrieval conditions (See Himmel et al. column 8, lines 7-15).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to wherein in said retrieval reservation registering unit, duplicates are checked and eliminated in said retrieval requests which exist at present and in the past so as to integrate retrieval conditions since it was known in the art that keeping tracked of all duplicate records and requests and eliminating them allows for database optimization and better performance.

As to claim 3, Premarlani et al. as modified discloses wherein said retrieval device unit edits said retrieval results data in a predetermined format by user by checking duplicates of the retrieval requests issued by users respectively and sends said edited retrieval results data to said users respectively on the basis of retrieval conditions desired by said users, said retrieval results data being acquired on the basis of said integrated retrieval conditions (See Himmel et al. column 8, lines 7-15, also see Himmel et al. column 1, lines 47-55, prior art).

As to claim 4, Premarlani et al. as modified discloses wherein upon editing of said retrieval results by user, said retrieval device unit eliminates duplicates from said retrieval results

desired by each of said users and integrates said retrieval results by each of said users when there are said duplicates in contents of said retrieval results, so that said retrieval device unit sends edited said retrieval results data to said user (See Himmel et al. column 6, lines 1-15).

As to claim 5, Premarlani et al. as modified discloses comprising a method in which at least one previously retrieved result is held in said retrieval reservation registration registering unit, so that, when a user issues a retrieval request, said user selects on a basis of information freshness desired by the user to acquire a retrieval result from said held at least one previously retrieved result retrieved among a predetermined time interval or to execute new retrieval from original data (See Himmel et al. column 5, lines 44-67).

As to claim 6, Premarlani et al. as modified discloses wherein when there are duplicates in retrieval requests among users and said retrieval requests are integrated to thereby acquire said retrieval results, said retrieval device unit, makes on the basis of retrieval, copies of said retrieval result, integrates duplicates in said retrieval results by each of the users, and sends thus modified said retrieval results to said respective users issuing said requests for said retrieval results data (See Premarlani et al. column 5, lines 3-23).

As to claims 8-12, Premarlani et al. discloses a retrieval method in a system having computers and databases connected to one another, comprising:

registering retrieval requests issued by users (See Premarlani et al. column 2, lines 37-46);

integrating said retrieval requests in said retrieval requests (See Premarlani et al. column 5, lines 3-23);

retrieving said databases by using said integrated retrieval requests and acquiring retrieval results (See Premarlani et al. column 5, lines 24-40);

generating duplicates of retrieval results from said acquired retrieval results (See Premarlani et al. column 5, lines 3-23);

editing said duplicates of retrieval results on the basis of said retrieval requests (See Premarlani et al. column 5, lines 42-60); and

integrating said duplicates of retrieval results from said retrieval results to be sent to each of said users on the basis of similarity between contents of said retrieval results (See Premarlani et al. column 5, lines 3-23).

Premarlani et al. discloses the claimed invention except for integrating said retrieval requests by eliminating duplicates in said retrieval requests.

Himmel et al. teaches integrating said retrieval requests by eliminating duplicates in said retrieval requests (See Himmel et al. column 8, lines 7-15).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to integrating said retrieval requests by eliminating duplicates in said retrieval requests since it was known in the art that keeping tracked of all duplicate records and requests and eliminating them allows for database optimization and better performance.

### ***Response to Arguments***



7. Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

*Conclusion*


8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

James et al. (WO 97/21177) teaches concurrent access to travel reservations system by multiple users tracking by timestamp.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neveen Abel-Jalil whose telephone number is 571-272-4074. The examiner can normally be reached on 8:30AM-5:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin can be reached on 571-272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
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